

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. KIMBERLEE PITAWANAKWAT, a/k/a “Stormy,” Defendant.	CR. 20-50122-02-JLV ORDER
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On September 17, 2020, a grand jury charged defendant Kimberlee Pitawanakwat with making false statements in violation of 18 U.S.C. § 1001(a)(2) and being an accessory after the fact in violation of 18 U.S.C. § 3. (Docket 1). On May 8, 2023, Ms. Pitawanakwat filed an *ex parte* motion seeking a status conference with the court. (Docket 214). On May 10, 2023, the court denied Ms. Pitawanakwat’s *ex parte* motion. (Docket 215).

On May 30, 2023, Ms. Pitawanakwat filed a motion addressed to this court seeking to vacate the magistrate judge’s order setting an in-person hearing for June 5, 2023, as moot or in the alternative to allow the defendant to appear by video. (Docket 220). As the court stated in its last order:

[T]he court concludes defendant’s motion does not justify the intervention of the district court over the functions of the magistrate judge in managing the appointment of counsel and the removal of and appointment of new counsel in a criminal case. Even if the court concluded it should exercise its supervisory authority, the court finds defendant’s *ex parte* motion does not warrant the district court’s intervention.

(Docket 215 at p. 2). Nothing in defendant's motion to vacate the magistrate judge's order changes the court's conclusion that the issues raised by the defendant must be addressed and resolved by the magistrate judge.¹

Defendant is reminded of the court's notice and ruling of December 2020. "[A] district court has no obligation to entertain pro se motions filed by a represented party." United States v. Pate, 754 F.3d 550, 553 (8th Cir. 2014) (quoting Abdullah v. United States, 240 F.3d 683, 686 (8th Cir. 2001)). "The court will only accept motions filed by counsel." (Docket 32).

No good cause appearing, it is

ORDERED that defendant's motion (Docket 220) is denied.

Dated June 1, 2023.

BY THE COURT:

/s/ *Jeffrey L. Viken*

JEFFREY L. VIKEN

UNITED STATES DISTRICT JUDGE

¹The court notes that United States Magistrate Judge Daneta Wollmann filed an order of recusal (Docket 221) on May 31, 2023. Another United States Magistrate Judge for the District of South Dakota will be assigned to preside over the pretrial motion practice in this case.